

Exhibit “FF” to Amended Verified Petition

New York State Department of Environmental Conservation
 21 South Putt Corners Road, New Paltz, NY 12561-1696
 (914) 255-3121 - Division of Regulatory Affairs



Langdon Marsh
 Acting Commissioner

March 18, 1994

MS LAURA ZEISEL
 ATTORNEY & COUNSELOR AT LAW
 169 MAIN ST
 PO BOX 9
 NEW PALTZ NY 12561

RECEIVED

MAR 22 1994

TOWN OF MONTGOMERY
 PLANNING BOARD

RE: Mehlon Trucking
 DEC Application #3-3342-00022/00002-0

Dear Ms. Zeisel:

This letter responds to your November 19, 1993 request that there be a redesignation of lead agency under 6NYCRR Part 617 for the Mehlon Trucking, Inc. mining proposal in the Town of Montgomery. As you know, our Department agreed to the Town's Planning Board as lead agency for the SEQR review of this proposal. We have not processed the application for a DEC mined land reclamation permit further since this designation of the Planning Board due to the lack of a determination of significance under SEQR by the Board.

We also received a letter dated December 6, 1993 from William J. Kelly, Jr., Chairman of the Planning Board in response to your November 19 letter. In this letter, Mr. Kelly did not object to DEC serving as the lead agency. However, based upon the information provided by Mr. Kelly, we do not believe it is necessary to change the lead agency. In his letter, Mr. Kelly indicates that the Planning Board does have a jurisdiction in this matter and further provided documents to you in 1991 that suggest the Planning Board did not receive requested information from Mehlon Trucking necessary to make a SEQR determination of significance.

Given the above, I suggest you pursue resolution of the SEQR matter directly with the Planning Board. If desired, our Department is willing to meet with you and the Planning Board to discuss mining and reclamation issues related to the site.

Sincerely,

Alexander F. Ciesluk, Jr.

Alexander F. Ciesluk, Jr.
 Deputy Regional Permit Administrator
 Region 3

AFC/eh

cc: R. Martin
 W. Kelly, Jr.

Copy to Rich, DK